

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

Suzanne Carey,

Plaintiff,

v.

International Union of Operating Engineers
(IUOE) Local 612; Ernie Evans; Ed Taylor,

Defendants.

No. 12-cv-5025 RBL

ORDER

[Dkt. #19]

Ms. Carey has moved for reconsideration of the Court's order dismissing her Complaint under Federal Rule 12(b)(6). (Order, Dkt. #17.) Ms. Carey's claims are barred by res judicata. In short, she has been frivolously suing her former employer for approximately eight years under various theories. *Id.* at 2.

Under Local Rule 7(h):

Motions for reconsideration are disfavored. The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.

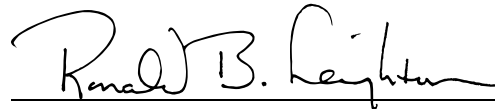
The Ninth Circuit has called reconsideration an "extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (quoting 12 James Wm. Moore et al., *Moore's Federal Practice* § 59.30[4] (3d ed. 2000)). "Indeed, a motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly

1 discovered evidence, committed clear error, or if there is an intervening change in the controlling
2 law.” *Id.* (quoting 389 *Orange Street Partners*, 179 F.3d 656, 665 (9th Cir. 1999)).

3 Here, Ms. Carey asserts that “it was Judge Bryan’s idea for this case to be dismissed,”
4 and that “Judge Leighton called a local criminal attorney to ask him to come to the Courthouse
5 and help him write the Dismissal Order.” (Pl.’s Mot. for Reconsideration at 1.) Further, Ms.
6 Carey asserts that contrary to principle of res judicata, “Plaintiff’s and their counsels [sic] really
7 do get to keep trying until they win.” (Pl.’s Mot. for Reconsideration at 3.)

8 Plaintiff does not get to keep trying until she wins. Her claims are spectacularly
9 frivolous, and thus, the Motion for Reconsideration is **DENIED**.

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11 Dated this 20th day of June 2012.

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14 Ronald B. Leighton
15 United States District Judge
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